

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION**

STEPHANIE J. MALONEY,	)	
EVERETTE D. MALONEY, and ALL	)	
OTHERS SIMILARLY SITUATED	)	
	)	
Plaintiffs,	)	
	)	CIVIL ACTION FILE
v.	)	
	)	NO. 2:20-cv-00191-SCJ
TALLULAH RIVER CO., INC.;	)	
RANDOLPH JACKSON; PATRICIA	)	
JACKSON; RIVER FALLS AT THE	)	
GORGE, INC.; DANA PACCIOTTI;	)	
SHEA SMITH; ROBERT GAYLE;	)	
TORRI GAYLE; and WINDY SKY	)	
RENTALS LLC,	)	
	)	
Defendants.	)	

**MOTION TO DISMISS  
BY DEFENDANTS RIVER FALLS AT THE GORGE, INC.,  
DANA PACCIOTTI, AND SHEA SMITH**

Defendants River Falls at the Gorge, Inc., Dana Pacciotti, and Shea Smith move to dismiss Plaintiffs' Complaint under Fed. R. Civ. P. 12(b)(6) and 9(b). The Complaint alleges four claims: breach of contract, fraud, aiding and abetting fraud, and federal RICO criminal violations. The accompanying brief, however, shows that all of these claims are barred by res judicata due to the prior state court litigation and trial, referred to in the Complaint as the "Related Action." Moreover, for the reasons

stated in the Co-Defendants' motion to dismiss brief, which are incorporated herein, the four counts individually fail on their own lack of merit. Accordingly, the Court should dismiss the Plaintiffs' Complaint in its entirety.

Respectfully submitted, this 25th day of September 2020.

**CONLEY GRIGGS PARTIN LLP**

*/s/ Ranse M. Partin*

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***Counsel for Defendants Tallulah River Co.,  
Inc., Randolph Jackson, Patricia Jackson,  
River Falls at the Gorge, Inc., Dana Pacciotti,  
and Shea Smith***

**CERTIFICATE OF SERVICE**

This is to certify that I have this date served a copy of the foregoing **Motion to Dismiss by Defendants River Falls at the Gorge, Inc., Dana Pacciotti, and Shea Smith** by using the Court's CM/ECF filing system which automatically serves all counsel of record.

This 25th day of September, 2020.

/s/ Ranse M. Partin

Ranse M. Partin